

**PART ELEVEN  
PUBLIC HEALTH CODE**

**TITLE FIVE - SOLID WASTES**

- 1131 Refuse or Solid Waste Collection and Disposal
- 1137 Residential Recycling
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**TITLE FIVE - MUNICIPAL WASTES**

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**1131.01 DEFINITIONS**

The following words and phrases when used in the ordinance shall have, unless the context clearly indicates otherwise, the meanings given to them in this section:

1. **Applicant** means a person desirous of being authorized as a "Collector." (12703 §1 5/7/86)
2. **Bulk Item** is any specific municipal waste item that does not fit in a 32 gallon trash can or in a 30 gallon trash bag, which includes but is not limited to furniture, mattresses, etc. (14373 §1 3/16/06)
3. **Center City** means that section of Allentown that is bounded on the east by the Jordan Creek, on the north by Tilghman Street, on the west by 11th Street and on the south by the Little Lehigh Creek. (13219 §1 10/7/93)
4. **City Curbside Collection Program** is the authorized collection, removal, transportation and disposal of municipal waste and recycling generated from eligible single family dwellings, rooming units, group homes, multi-family dwellings and commercial and institutional establishments who pay the annual Municipal Waste and Recycling Fee to the City of Allentown for this service. (14271 §1 3/3/05)
5. **Collector** means any person, firm or corporation duly authorized to collect and transport municipal waste within or from the City of Allentown. (12703 §1 5/7/86; 13937 §1 11/21/01; 14373 §1 3/16/06)
6. **Construction material** is any material that is a result of new construction, renovation or remodel of a structure of dwelling such as but not limited to lumber, carpeting, paneling, plaster board, ceiling tiles, kitchen cabinets, etc., concrete, brick, stone, rock and similar material is not considered to be construction material. (14373 §1 3/16/06)
7. **Container** is a rigid, durable, water tight, lidded vessel in which municipal waste and recycling is stored until collection. (14373 §1 3/16/06)
8. **Contractor** means the person, firm or corporation that has been authorized by the City and by contract to collect, transport and dispose of municipal solid waste from within the City of Allentown. (12703 §1 5/7/86; 13937 §1 11/21/01)
9. **Commercial establishment** means any establishment engaged in a non- manufacturing or non-processing business, including, but not limited to stores, markets, office buildings, restaurants, shopping centers and theaters. (12703 §1 5/7/86)

10. **Disposal** means the incineration, deposition, injection, dumping, spilling, leaking, or placing of municipal waste into or on the land or water in a manner that the waste or a constituent of the waste enters the environment, is emitted into the air, or is discharged to the waters of the Commonwealth of Pennsylvania. (12703 §1 5/7/86)

11. **Disposal site** means any site, facility, location, area, or premises to be used for the disposal of municipal wastes. (12703 §1 5/7/86)

12. **Dwelling unit** means a group of rooms located within a building and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking and eating for the exclusive use of the occupants thereof, including mobile homes or house trailers. (13409 §1 7/19/96; 14373 §1 3/16/06)

13. **Eligible Entities** means any single family dwelling, multi-family dwellings, rooming units, or commercial or institutional establishments that receive City Contractor service in accordance with the criteria contained herein. (13219 §1 10/7/93; 13937 §1 11/21/01)

14. **Garbage** means all animal and vegetable wastes attending or resulting from the handling, dealing, storing, preparation, cooking and consumption of foods. (12703 §1 5/7/86)

15. **Group home** means residential clients and attendant (24 hours or less) staff, living together in a dwelling unit as a single housekeeping unit under a common housekeeping management plan based upon an intentionally structured relationship providing organization and stability. (13289 §1 11/3/94)

16. **Hazardous Waste** means any waste material or a combination of solid, liquid, semisolid, or contained gaseous material that because of its quantity, concentration, physical, chemical, or infectious characteristics may:

a. Cause, or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating illness; and (12703 §1 5/7/86)

b. Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of or otherwise managed. (12703 §1 5/7/86)

17. **Household Hazardous Waste** (HHW) is waste which would be chemically or physically classified as a hazardous waste but is excluded from regulation as a hazardous waste because it is produced in quantities smaller than those regulated by the Pennsylvania Department of Environmental Protection, and because it is generated by persons not otherwise covered as hazardous waste generators by those regulations. Such HHW materials meet one of the following four classifications: Toxic; Flammable; Reactive; or Corrosive. HHW consists of numerous products that are common to the average household such as: Pesticides and herbicides, cleaners, automotive supplies, paints, and acids. (13614 §1 11/20/97)

18. **Hotel** means an establishment having over twenty (20) permanent bedrooms for the use of transient guests. (13289 §1 11/3/94)

19. **Industrial establishment** means any establishment engaged in manufacturing or processing, including, but not limited to, factories, foundries, mills, processing plants, refineries, and the like. (12703 §1 5/7/86)

20. **Institutional establishment** means any establishment engaged in service to persons including, but not limited to hospitals, nursing homes, orphanages, schools, non-profit organizations, churches and universities. (12703 §1 5/7/86; 13289 §1 11/3/94)

21. **Intended to be used.** A building, structure, unit or part thereof is "intended to be used" for the purposes of this Code; in accordance with the use indicated in the Lehigh County Property Tax Assessment records; or the most recent records pertaining to the use on file in any department of the City; or in the absence of any such records; in accordance with the use determined by the City to be the most appropriate for the building, structure, unit or part thereof. (13289 §1 11/3/94)

22. **Management** means the entire process or any part thereof of storage, collection, transportation, processing, treatment, and disposal of municipal wastes by any person engaging in such process. (12703 §1 5/7/86)

23. **Multi-family dwellings** means any building under one roof which contains two (2) or more complete dwelling units. (12703 §1 5/7/86; 12903 4/5/94)

24. **Municipal waste** means any garbage, refuse, industrial lunchroom or office waste, and other material including solid, liquid, semisolid, or contained gaseous material resulting from operation or residential, municipal, commercial, or institutional establishments or from community activities and which are not classified as residual waste or hazardous waste as herein defined. The term does not include source separated recyclable materials or yard waste. (12703 §1 5/7/86; 13040 §1 4/3/91)

25. **Notice of violation** is a written document issued to a person in violation of a city ordinance which specifies the violation and contains a directive to take corrective action within a specified time frame or face further legal action. (14271 §1 3/3/05)

26. **Person** means any individual, partnership, corporation, association, institution, cooperative enterprise, municipal authority, federal government or agency, state institution and agency, or any other legal entity whatsoever which is recognized by law as being subject to such rights and duties. (12703 §1 5/7/86)

27. **Processing** means any technology used for the purpose of reducing the volume or bulk of municipal waste or any technology used to convert part or all of such waste materials for off-site reuse. Processing facilities include, but are not limited to, transfer facilities, composting facilities, incinerators, recycling facilities and resource recovery facilities. (12703 §1 5/7/86)

28. **Public Officer** means any police officer, authorized inspector, or public official designated by the Mayor to enforce the City Ordinances. (14271 §1 3/3/05)

29. **Recyclable material** means a material in municipal waste, which can be collected, separated and/or processed into a commodity to replace virgin materials in the manufacturing of new materials or products. (13040 §1 4/3/91; 13937 §1 11/21/01)

30. **Regular** means at least three or more times per month. (12703 §1 5/7/86)

31. **Refuse** means the collective term applying to all garbage, ashes, leaves, and grass trimmings from residential, municipal, commercial or institutional premises. (12703 §1 5/7/86)

32. **Residual waste** means any discarded material or other waste including solid, semisolid or contained gaseous materials resulting from construction, industrial, mining, and agricultural operations excluding municipal water and sewer operations. (12703 §1 5/7/86)

33. **Rooming unit** means any room or groups of rooms forming a single habitable unit used or intended to be used for living and sleeping only. (13289 §1 11/3/94)

34. **Solid waste** means any waste, including but not limited to municipal, residual or hazardous wastes, including solid, liquid, semisolid or contained gaseous materials. (Pennsylvania Solid Waste Management Act 97, Section 103) (12703 §1 5/7/86)

35. **Source separate** means to separate recyclable materials from the municipal waste stream at the point of waste generation. (13040 §1 4/3/91)

36. **Storage** means the containment of any municipal waste on a temporary basis in such a manner as not to constitute disposal as such waste. (12703 §1 5/7/86; 14373 §1 3/16/06)

37. **Transportation** means the off-site removal of any municipal waste at any time after generation. (12703 §1 5/7/86; 14373 §1 3/16/06)

38. **Violation Ticket** is a form issued by a police officer or public officer to a person who violates a provision of this Article. The violation ticket is an offer by the City of Allentown extended to a person to settle a violation by paying the fine in lieu of a citation being issued against the violator. (14271 §1 3/3/05)

39. **Yard Waste** means leaves, garden residues, grass clippings, shrubbery and tree trimmings and similar materials. (13030 §1 4/3/91)

## 1131.02 AUTHORIZATION OF CITY CONTRACTOR(S); SCOPE OF WORK; FEE

### A. Contracts for Collection; Authority

The City is authorized to award a contract(s) for the collection, removal, transportation and disposal of municipal waste generated from single family dwellings, rooming units, group homes, multi-family dwellings and commercial and institutional establishments as described below and any other type of entity the City deems necessary or acceptable. The contract(s) shall contain a provision that the contract(s) is to be performed and carried out by the contractor(s) in compliance with all applicable City ordinances. The Bureau of Recycling and Solid Waste shall divide the City into districts and prescribe the days and hours for the collection and removal of municipal waste and recyclable materials from such districts. (13219 §1 10/7/93; 13289 §1 11/3/94; 14271 §1 3/3/05; 14373 §1 3/16/06)

B. Scope of City Contract Collection (13289 §1 11/3/94)

1. Municipal Waste Collection (13289 §1 11/3/94)

a. Single family and multi-family dwellings up to and including twenty-five (25) units. (13289 §1 11/3/94; 13614 §1 11/20/97)

Municipal waste generated by the occupants or owner of single family and multi-family dwellings, up to and including twenty-five (25) units within the City of Allentown, shall be included for collection by the authorized City Contractor in accordance with all applicable sections of this Ordinance except as set forth in 2, below. (13289 §1 11/3/94; 13614 §1 11/20/97; 13937 §1 11/21/01)

**Moved to 1131.04 (A)(3)(a)** (13937 §1 11/21/01; 14271 §1 3/3/05; 14373 §1 3/16/06)

**Moved to 1131.02 (C) (1)(a)** (13937 §1 11/21/01; 14271 §1 3/3/05; 14373 §1 3/16/06)

b. Commercial and Institutional Establishments

Municipal waste generated within the City of Allentown, by commercial or institutional establishment, shall be eligible for City Curbside Collection, except as set forth in 3, or 4 below. The eligible entity must apply and be approved by the Bureau of Recycling and Solid Waste to terminate City Curbside Collection to an entity for a violation of this Article and/or the Residential and Commercial Recycling Ordinances. (13219 §1 10/7/93; 13289 §1 11/3/94; 13614 §1 11/20/97; 13937 §1 11/21/01; 14373 §1 3/16/06)

c. Rooming Units

Municipal waste generated within the City of Allentown, by the occupants or owner of rooming units which are located in buildings other than hotels, shall be included for collection by the authorized City contractor in accordance with all applicable sections of this Ordinance except as set forth in 2, below. (13289 §1 11/3/94; 13614 §1 11/20/97)

(Deleted 13614 §1 11/20/97) (13289 §1 11/3/94)

d. Collection

1. It shall be a violation of this ordinance to mix or place any designated recyclable material or yard waste with municipal waste.

2. In Center City, all municipal waste generated by any entity included in City collection, and placed out for collection on their designated nights must be collected by the City Contractor by 8:00 AM the following day. (13289 §1 11/3/94; 14373 §1 3/16/06) **(Moved from 1131.04 (C))**

3. All municipal waste generated outside of the Center City zone by any entity included in City collection, and placed out for collection on their designated nights must be collected by the City Contractor by 12:00 PM the following day. 13836 §1 11/21/01; 14373 §1 3/16/06) **(Moved from 1131.04 (C))**

2. Exemption

A. The owners of multi-family dwellings with 25 or less units or rooming units may apply for exemption from inclusion in the City Curbside Collection Program by submitting a written application to the Bureau of Recycling and Solid Waste. For all exempted entities, there shall be a thirty-five (\$35) dollar per property annual inspection fee that shall be paid for all multi-unit rental properties approved for exemption from the City Curbside Collection Program. Multi-unit rental properties

exempted from the City Curbside Collection Program who place municipal waste or recycling out for City Curbside Collection will lose their exemption. (14271 §1 3/3/05; 14373 §1 3/16/06)

B. The owners of multi-family dwellings or rooming units may be exempted from municipal solid waste and/or recycling collection and payment of the applicable fee of the Municipal Waste and Recycling Fee provided that: (13614 §1 11/20/97; 13937 §1 11/21/01)

1. There is an area on the property not within the public right-of-way which is sufficient for the placement of bulk containers of adequate size to store all municipal waste and recyclables generated on the property in one (1) week. The bulk containers and location shall be subjected to approval by the Manager of Recycling and Solid Waste. (13937 §1 11/21/01; 14373 §1 3/16/06)

2. That such bulk containers are placed on the property for waste generated by the occupants of the dwelling units in the building. (13937 §1 11/21/01)

3. That the bulk container(s) are collected and emptied on a regular schedule by a licensed Collector and in no event less than one (1) time per week.

4. That there is no curbside storage or collection of municipal waste from the property.

5. That the owner of said multi-family dwellings or rooming units meet the requirements of this Article and the Commercial Recycling Ordinance 13219 or the Residential Recycling Ordinance 12959, respectively. (13289 §1 11/3/94; 13614 §1 11/20/97; 13937 §1 11/21/01)

6. That the owner provide all tenants with recycling bins, source separated recycling collection, and recycling education and must submit evidence of such upon request by the Bureau of Recycling and Solid Waste. (13937 §1 11/21/01; 14373 §1 3/16/06)

7. The owner of said multi-family dwellings or rooming units annually submits to the Bureau of Recycling and Solid Waste substantiating evidence of a current agreement/contract with a licensed Collector for trash and recycling collection as described in Section 1131.03 and in Article 1139 of the Commercial Recycling Ordinance by January 31 of the year for which an exemption is sought. (13289 §1 11/3/94; 13937 §1 11/21/01; 14271 §1 3/3/05)

8. Exemption is renewable on an annual basis pending City review and/or inspection. It shall be the prerogative of the Bureau of Recycling and Solid Waste to terminate exemption status to an entity for a violation of this Article and/or the Residential and Commercial Recycling Ordinances. (13937 §1 11/21/01; 14373 §1 3/16/06)

### 3. Large Complexes

For the purposes of Section 1131.02(B)(1) subsection (a) above where on a single, undivided tract of land under common ownership there is a building or buildings containing a total of twenty-six (26) or more dwelling units, such apartment complex shall not be included for municipal waste collection by the authorized City contractor. (13289 §1 11/3/94; 13614 §1 11/20/97)

### 4. Commercial and Institutional Establishments (13289 §1 11/3/94)

a. For the purposes of Section 1131.02(B)(1) subsection (b) above where the municipal waste generated weekly is greater than what can be contained in ten (10) thirty (30) gallon containers, the facility shall not be eligible for municipal waste collection by the authorized City contractor. (13614 §1 11/20/97)

b. By virtue of the type of business conducted and the type of waste generated, certain commercial or institutional facilities listed below shall not be eligible for municipal waste collection by the authorized City Contractor: (13937 §1 11/21/01)

1. Auto repair or service station
2. Dry cleaner
3. Manufacturing, wholesale or warehousing operations
4. Cleaning or construction contractor
5. Medical facilities (including physicians, dentists, laboratories, etc.)
6. Funeral homes
7. Retail facilities over 5,000 square feet

8. Licensed food service establishments
9. Commercial or institutional establishments located in strip shopping centers (13289 §1 11/3/94)
10. Any other entity deemed unsuitable by the Manager of the Bureau of Recycling and Solid Waste or a designee due to its location, the quantity or nature of the waste generated within the facility or any other factor. (13219 §1 10/7/93; 13289 §1 11/3/94; 14373 §1 3/16/06)

## 5. Appeals

An Appeals Committee shall be established consisting of the Director of the Department of Administration and Finance, the Director of the Department of Community Development and the Director of the Department of Public Works or their designees who shall review appeals from property owners of multi-unit dwellings requesting exemption from City Curbside Collection and to review appeals from commercial and institutional establishments for inclusion in the City Curbside Collection Program. (13937 §1 11/21/01; 14373 §1 3/16/06)

### C. Municipal Waste and Recycling Fee (13614 §1 11/20/97)

#### 1. Fee Imposed

a. There is hereby imposed upon the owner of each dwelling unit, as determined by the Bureau of Zoning, and all entities included in City collection, an annual Municipal Waste and Recycling Fee, in the amount approved by City Council in the annual budget process. It shall be a violation of this Ordinance for a person to place municipal waste or recycling out for the City Curbside Collection Program without paying the annual Municipal Waste and Recycling Fee. The fee is Three Hundred seventy-five dollars (\$375) per Ordinance 14973 12/13/2011. (14033 §1 12/15/01; 13167 §1 12/10/92; 13232 §1 12/9/93; 13289 §1 11/3/94; 13374 §1 12/28/95; 13438 §1 12/12/96; 13614 §1 11/20/97; 13805 §1 1/1/00; 13937 §1 11/21/01; 13957 §1 12/15/01; 14033 §1 12/10/02; 14271 §1 3/3/05; 14373 §1 3/16/06; 14545 §1 12/7/07; 14847 12/3/2010.)

The City is authorized to pro-rate the annual Municipal Waste and Recycling Fee for entities included in City collection as applicable. (13937 §1 11/21/01)

#### b. Commercial and Institutional Establishments

There is hereby imposed upon the owner or operator of each approved commercial or institutional establishment, for inclusion in the City Curbside Collection Program, except those that provide private municipal waste and recycling services in accordance with Article 1131.03 herein, an annual Municipal Waste and Recycling Fee in an amount equal to the fee set for a single dwelling unit. Commercial or institutional establishments approved for inclusion on or between January 1 and June 30 of the current calendar year shall pay the annual fee. Commercial or institutional establishments approved for inclusion on or between July 1 and December 31 of the current calendar year shall be required to pay one half (1/2) the annual fee. (13219 §1 10/7/93; 13232 §1 12/9/93; 13289 §1 11/3/94; 13614 §1 11/20/97; 13937 §1 11/21/01; 14373 §1 3/16/06)

Eligible commercial or institutional establishments may apply to the Appeals Committee for approval for municipal waste collection only at a fee equal to 86% of the total annual Municipal Waste and Recycling Fee. Establishments approved for recycling collection only shall be required to pay an amount equal to 48% of the total annual Municipal Waste and Recycling Fee. Commercial or institutional establishments approved for inclusion for only municipal waste or recycling collection on or between January 1 and June 30 of the current calendar year shall pay the percentage fee (86% or 48%, respectively) for the requested service. Commercial or institutional establishments approved for inclusion for only municipal waste or recycling collection on or between July 1 and December 31 of the current calendar year shall pay one half (1/2) the percentage fee (43% or 24%, respectively) for the requested service. (13614 §1 11/20/97; 14373 §1 3/16/06)

c. There is hereby imposed upon the owner or operator of rooming units included in City collection an annual Municipal Waste and Recycling Fee in an amount equal to the fee for a single dwelling unit for every three (3) (or any portion thereof) rooming units. (13289 §1 11/3/94; 13614 §1 11/20/97)

d. Said annual fees shall be due and payable each year on or before the last day on which the gross amount of the real estate tax is payable without penalty, pursuant to billing, collection and exoneration procedures established by the Department of Administration and Finance. A penalty of ten (10%) percent shall be added to bills not paid within the period described above. In addition thereto, any costs or fees incurred in conjunction with the collection of any such delinquencies shall be the responsibility of, and paid by, the owner(s) or operator of the subject property. (13167 §1 12/10/92; 13232 §1 12/9/93; 13289 §1 11/3/94; 13614 §1 11/20/97)

2. Exoneration of Certain Senior Citizens from payment of the Municipal Waste and Recycling Fee and other residents from paying the \$35 increase in the calendar year 2012. (13614 §1 11/20/97; 1/24/2012 §1 14965)

a. All bona fide residents of the City of Allentown who are sixty five (65) years of age or over shall be eligible for entitled to exoneration from payment of this fee on their principal place of residence provided that:

1. Such residence is a single family dwelling, owned and occupied by the claimant.

2. A request for exoneration shall be filed with the Bureau of Finance on such form as prescribed by that Bureau for such purpose.

3. The total household income from all sources does not exceed \$15,000.00.

b. All bona fide residents of the City of Allentown who are sixty-five (65) years of age or over shall be eligible for exoneration from payment of the thirty-five dollar (\$35) increase to this fee on their principal place of residence provided that:

1. Such residence is single family dwelling, owned and occupied by the claimant.

2. A request for exoneration shall be filed with the Bureau of Finance on such form as prescribed by that Bureau for such purpose.

3. The total household income from all sources is between \$15,000.00 and \$19,999.

4. This exoneration is for calendar year 2012.

c. All bona fide residents of the City of Allentown shall be eligible for exoneration from payment of the thirty-five dollar (\$35) increase to this fee on their principal place of residence provided that:

1. Such residence is a single family dwelling, owned and occupied by the claimant.

2. A request for exoneration shall be filed with the Bureau of Finance on such form as prescribed by that Bureau for such purpose.

3. The total household income from all sources does not exceed \$19,999.

4. This exoneration is for calendar year 2012

d. The Bureau of Finance may require such evidence or information as it deems necessary or appropriate in determining eligibility for exoneration in accordance with this section.

e. Any information gained by any official, agent or employee of the City, as a result of any claim, investigations, or hearings required or authorized by this ordinance shall be confidential and shall not be disclosed to any person except for official use in connection with the administration or enforcement of this ordinance or as otherwise provided by law.

f. False or untrue statements shall be a violation of this Ordinance. (13219 §1 10/7/93) (12903 §1 4/5/89; 13289 §1 11/3/94; 13289 §1 11/3/9; 14965 §1 1/24/12)

### **1131.03 AUTHORIZATION OF COLLECTORS**

A. Authorization required

It shall be unlawful for any person, firm or corporation other than such persons as are duly authorized by the County of Lehigh, Pennsylvania, to collect and transport municipal waste of any nature as a regular hauling business within or from the City of Allentown. (13937 §1 11/21/02; 12903 §1 4/5/89; 13614 §1 11/20/97; 13937 §1 11/21/01; 14373 §1 3/16/06)

### **1131.04 STORAGE, PLACEMENT AND COLLECTION OF MUNICIPAL WASTE**

A. General

1. It shall be the duty of every owner of property and every person occupying any dwelling unit, premises or place of business within the City of Allentown where municipal waste is produced and is accumulated, by his own expense and cost, to provide and keep at all times, a sufficient number of containers to hold all municipal wastes which may accumulate during the intervals between collection of such municipal waste by an authorized collector.

2. The containers shall be plainly and legibly marked with the participant's address and apartment number, if any, excluding plastic bags. (13915 11/21/01)

3. It shall be the duty of every owner of multi-family dwellings, rooming units, and any other residential units included in City collection except owner-occupied single family dwellings to permanently post and maintain in each unit the Trash and Recycling procedures issued by the Bureau of Recycling and Solid Waste. (13289 §1 11/3/94)

**B. Storage and Placement by Entities Eligible for City Contract Collection (13289 §1 11/3/94; 13937 §1 1/21/01)**

1. **Containers:** All municipal waste, except bulk items (e.g. furniture, mattresses, carpeting, cabinets, etc.), generated by owners and/or the occupants of eligible entities shall be placed in containers for collection by an authorized collector. (14373 §1 3/16/06)

a. The containers shall be durable, water tight, and made of metal or rigid plastic. The containers shall have tightly fitting covers that remain in use and shall be kept clean. Each container shall not weigh more than seventy (70) pounds when filled. (13937 §1 11/21/01)

b. Plastic bags may be used as municipal waste containers, at curbside for City Curbside collection, provided they are sealed to prevent scattering of their contents and do not contain any rips, tears or punctures. Plastic bags of municipal waste shall not weigh more than forty (40) pounds when filled. (13762 §1 7/22/99; 14373 §1 3/16/06)

c. Cardboard boxes may not be used as municipal waste containers. (14373 §1 3/16/06)

**2. Storage of Containers:**

a. No person shall store a container, as defined above, in front of the property's main structure (including on the front porch), except when it is placed at the curblines or street for collection, as described below.

b. Furthermore, plastic bags are not to be stored anywhere on the exterior of the property except in approved containers prior to being placed at the curblines or street for collection, as described below. (13762 §1 7/22/99; 14373 §1 3/16/06)

c. Property owners of multi-family dwellings included in City Curbside Collection must provide a location on their property for the storage of trash and recycling in between collections. Storage must be in compliance with all City of Allentown Ordinances and must not create a public nuisance or vector control issues. Exceptions and alternate storage locations may be subject to review and approval by the Bureau of Recycling and Solid Waste. (14373 §1 3/16/06)

**3. Placement and Removal of Containers:**

a. Only municipal waste generated at the entity included in the City Curbside Collection Program by the owner or occupants of said entity may be placed out for collection in front of that entity. It shall be a violation of this Ordinance to place, or cause to be placed, municipal waste generated at a different location at an entity included for City collection; this may constitute illegal dumping and a violation of the Anti-Litter Ordinance. (14373 §1 3/16/06)

b. All municipal waste containers shall be placed at the curblines or street directly in front of the included residential entity where the municipal waste was generated not before 5:00 PM, and prior to 10:00 PM, only on their designated nights of collection. (13289 §1 11/3/94; 13614 §1 11/20/97; 13762 §1 7/22/99; 14373 §1 3/16/06; 14688 §1 3/12/09)

c. All municipal waste containers shall be placed at the curblines or street directly in front of the included commercial or institutional entity where the municipal waste was generated, not before 5:00 PM and prior to 10:00 PM, only on their designated nights. (14373 §1 3/16/06)

d. All containers shall be removed from the street or curblines as soon as practicable, within 12 hours, after collection. (13289 §1 11/3/94; 13614 §1 11/20/97; 13762 §1 7/22/99; 14373 §1 3/16/06)

e. All material shall be placed at the curblin in a manner as not to result in spilled or scattered trash or litter on public or private property. All material placed out for collection shall be the responsibility of the property owner, responsible agent or occupant until it is collected by the Contractor. (14373 §1 3/16/06)

f. No municipal waste may be set out at the curblin or in the public right-of-way for collection by a privately contracted Collector without written approval by the Bureau of Recycling and Solid Waste. (14373 §1 3/16/06)

#### **4. Municipal Waste Limits**

The City of Allentown hereby establishes limits to the quantity and nature of municipal waste, bulk items and construction material placed out by entities included in the City Curbside Collection Program. It shall be a violation of this ordinance to exceed or violate the limits as set forth below:

##### **a. Per Collection Night Maximum**

No more than five (5) thirty (30) gallon trash bags, each weighing no more than forty (40) pounds, or two (2) thirty-two (32) gallon trash container, each weighing no more than seventy (70) pounds per container may be placed out for City Curbside Collection by entities included in City Curbside Collection.

##### **b. Second Collection Night Allowances**

Only on the second collection night of a designated collection zone, i.e. Wednesday, Thursday or Friday, may an eligible entity place out for collection one bulk item (furniture, mattress, etc.) or forty (40) pounds maximum of construction material (carpeting, lumber, etc.). The construction material may not exceed four (4) feet in length and must be in an acceptable container or bundled. A fee of Fifteen Dollars (\$15) for each additional bulk item is hereby established and must be paid to the Bureau of Recycling and Solid Waste prior to collection. (14373 §1 3/16/06)

c. Tires, vehicle parts containing fluids, non-recyclable vehicle parts, liquid paint and hazardous wastes may not be placed at the curb for City Curbside Collection. Concrete, brick, stone, rock or any other material that may damage compacting vehicles, as determined by the Bureau of Recycling and Solid Waste, is prohibited from City Curbside Collection. (14271 §1 3/3/05; (14373 §1 3/16/06)

**5. Collection of Source Separated Recyclable Materials and Yard Waste:** The collection of source separated recyclable materials and yard waste is otherwise regulated by City ordinance. It shall be a violation of this ordinance for any person to place any designated recyclable material or yard waste in containers which also contain municipal waste. (13040 §2 4/3/9; 13038;13219 §1 10/7/93; 13937 §1 11/22/01; (14373 §1 3/16/06)

### **1131.05 REQUIREMENTS FOR NON-MUNICIPAL COLLECTION**

#### **1. Private Collection and Disposal Responsibility**

##### **A. General**

It shall be the responsibility of the owners/operators of all commercial, industrial and institutional establishments, and multi-family dwellings not included in City Contractor service or exempted under Section 1131.02(B)(2) to provide, at their own expense, for the storage, collection and disposal of their own waste. Such storage, collection and disposal shall be carried out in such a manner as to avoid the creation of a public nuisance, including but not limited to, noise disturbances, sanitation, littering, and vector control issues.

##### **B. Containers**

1. Storage of municipal waste on all multi-family dwelling properties which are using private collection shall be in a bulk container, subject to approval by the Manager of the Bureau of Recycling and Solid Waste, and as specified in (2, 3, and 4) below. Storage of municipal waste on commercial, industrial and institutional properties shall be done in the same manner and kept in the same type of containers except where the accumulation for each commercial, industrial or institutional property precludes their use, in which case such owner or occupant shall make special arrangements with the authorized collector for the storing of such additional quantities. (13937 §1 11/21/01; (14373 §1 3/16/06)

##### **2. Collection**

a. The owners/operators contracting for private collection shall provide an area on the property not within the public right-of-way which is sufficient for the placement of bulk containers of adequate size to store all municipal waste and recyclables generated on the property in one (1) week. (13937 §1 11/21/01)

b. Such locations shall not interfere with public or private sidewalks, walkways, driveways, roads, streets, highways or entrances and exits of public or private buildings and be in compliance with all applicable laws. (13937 §1 11/21/01)

c. Municipal waste intended for collection by a private Collector may not be set out at the curblin for collection without written approval by the Bureau of Recycling and Solid Waste. (14373 §1 3/16/06)

3. The special bulk containers shall have lids which must remain closed except when municipal waste is being removed from the container. The containers shall be kept clean and in good repair.

4. The owners/operators contracting for private collection shall:

a. Provide bulk containers on the property for use for waste generated by employees of the commercial, industrial or institutional establishment and/or by the occupants of the dwelling units in the building. (14373 §1 3/16/06)

b. Provide collection for the bulk container(s) on a regular schedule by a licensed collector and in no event less than one (1) time per week.

c. Not allow the curbside storage or collection of municipal waste from the property.

d. Meet the requirements of this Article and the Commercial Recycling Ordinance 13219 or the Residential Recycling Ordinance 12959, respectively. (13289 §1 11/3/94; 13614 §1 11/20/97)

e. Provide all tenants with recycling bin, source separated recycling collection, and recycling education. (13937 §1 11/21/01)

#### C. Reporting Responsibility

It shall be the responsibility of the owners/operators of all commercial, industrial or institutional establishments, and multi-family dwellings not included in City Contractor service or exempted under Section 1131.02(B)(2) to annually submit upon request to the Bureau of Recycling and Solid Waste evidence of a current agreement/ contract with a licensed collector including the collector's name, address, and telephone number. This information shall also include the days and times of collection. The Bureau of Recycling and Solid Waste must be notified in writing within ten (10) days of such changes, said licensed collectors shall notify the Bureau of Recycling and Solid Waste, on a form to be provided, when an agreement/ contract for the collection and disposal of municipal waste has been terminated. (12903 §1 4/5/89; 13289 §1 11/3/94; 13289 §1 11/3/94; 13937 §1 11/21/01; 14373 §1 3/16/06)

### 1131.06 HANDLING OF MUNICIPAL WASTE

#### A. Transportation

All Collectors transporting municipal waste within the City of Allentown shall prevent and remedy any spillage from their vehicles or containers used in the transport of such municipal waste. (13289 §1 11/3/94; 13937 §1 11/21/01; 14373 §1 3/16/06)

Such vehicles or containers shall not be overfilled, and shall be cleansed at sufficiently frequent intervals to prevent obnoxious odors or unhealthful conditions. They shall be so constructed, loaded and driven as to prevent any portion of the load from falling out upon the streets or highways. Open-truck bodies of such vehicles shall be covered and fastened with devices that will secure and contain the contents. (13937 §1 11/21/01)

#### B. Removal by Collectors

All Collectors shall return the refuse receptacle or receptacles to the premises from which they have been removed. They shall also collect and remove all municipal waste which, by accident or otherwise, may have been put or fallen on the sidewalks, streets or highways immediately or within four (4) hours notification by the Bureau of Recycling and Solid Waste. (12903 §1 4/5/89; 13289 §1 11/3/94; 13937 §1 11/21/01; 4373 §1 3/16/06)

#### C. Mixing Recyclable Materials and Municipal Waste

It shall be a violation of this Ordinance for any Collector to mix or place any designated recyclable material or yard waste in with the collection of municipal waste. 14373 §1 3/16/06)

#### **1131.07 DISPOSAL OF MUNICIPAL WASTE**

##### Disposal at Approved Facilities

All municipal waste produced, collected, and transported from within the jurisdictional limits of the City of Allentown shall be disposed of at licensed and approved disposal facilities in accordance with the Lehigh County Solid Waste Plan, and in compliance with all Department of Environmental Protection regulations and with any other applicable local, state or federal statute. (13289 §1 11/3/94; 14373 §1 3/16/06)

#### **1131.08 EXCLUSIONS**

##### A. Disposal of Personal Wastes

Nothing contained herein shall be deemed to prohibit any person not regularly engaged in the business of collecting municipal waste from hauling his own municipal waste on an irregular and unscheduled basis, to a State permitted disposal facility.

##### B. Hazardous or Residual Wastes

The provisions of this ordinance do not apply to anything but the storage, collection, transportation and disposal of municipal waste and do not apply, therefore, to hazardous or residual wastes as defined by the Pennsylvania Solid Waste Management Act. (12903 §1 4/5/89)

It shall be a violation of this Ordinance for any entity included in City Curbside Collection to place any hazardous or household hazardous waste for collection by the authorized City Contractors. (13614 §1 11/20/97; 13937 §1 11/21/01; 14373 §1 3/16/06)

#### **1131.94 ENFORCEMENT**

A. The provisions of this Article shall be enforced by police officers or any other public officer authorized to enforce ordinances.

B. Any violation of the provisions of this Article may be cause for a citation, a violation ticket and/or a notice of violation to be issued to the violator.

C. A notice of violation or violation ticket shall be served upon a violator by handing it to the violator, by handing it at the residence of the person to be served to an adult member of the household or other person in charge of the residence, by leaving or affixing the notice or violation ticket to the property where the violation exists, by handing it at any office or usual place of business of the violator, to his/her agent or to the person for the time being in charge thereof, or by mailing the notice to the violator's address of record.

D. Each day a violation continues or is permitted to continue may constitute a separate offense for which a separate fine may be imposed.

E. A public officer is authorized and empowered to cause a violation to be corrected.

F. If the City has effected the correction of the violation, the cost thereof may be charged to the owner of the property, tenant or offending party. The cost shall be determined by the Manager of Recycling and Solid Waste or designee in order that the City shall be compensated for both direct and indirect costs and expenses incurred. (14271 §1 3/3/05)

#### **1131.97 VIOLATION TICKET APPEALS PROCESS**

A. A person in receipt of a violation ticket may appeal to the Bureau of Recycling & Solid Waste by filing a request within ten (10) days of receipt of the violation ticket.

B. A Hearing Officer, designated by the Manager of the Bureau of Recycling & Solid Waste, may uphold the Appeal, deny the Appeal or may modify the violation ticket and/or any associated costs, fines or penalty amounts. (14271 §1 3/3/05)

#### **1131.98 SEVERABILITY**

If any provision, paragraph, word, section or subsection of this Article is invalidated by any court of competent jurisdiction, the remaining provisions, paragraphs, words, sections, or subsection shall not be affected and shall remain in full force and effect. (14271 §1 3/3/05)

### **1131.99 FINES AND PENALTIES**

(14271 §1 3/3/05)

#### **A. Violation Ticket Fines**

1. Violation tickets shall be issued in the amounts of Twenty-five (\$25) Dollars or One Hundred (\$100) Dollars. (14271 §1 3/3/05)

2. Any person who receives a violation ticket for any violation of this Article, may within ten (10) days, admit the violation, waive a hearing and pay the fine in full satisfaction of twenty-five (\$25) dollars or one hundred (\$100) dollars, as indicated on the violation ticket. (14271 §1 3/3/05)

#### **B. Violation Ticket Penalties**

1. If the person in receipt of a twenty-five (\$25) dollar violation ticket does not pay the fine or request a hearing within ten (10) days, the person will be subject to a ten (\$10) dollar penalty for days eleven (11) through twenty (20).

2. If the person in receipt of a one hundred (\$100) dollar violation ticket does not pay the fine or request a hearing within ten (10) days, the person will be subject to a twenty-five (\$25) dollar penalty for days eleven (11) through twenty (20).

3. Failure of the person to make payment within twenty (20) days shall make the person subject to a citation.

#### **C. Citation Fines (14271 §1 3/3/05)**

Whoever violates the provisions of this ordinance shall, upon conviction, be fined not more than One Thousand (\$1,000.00) Dollars or imprisoned not more than ninety (90) days, or both.

Whoever shall violate Article 1131.04, Storage of Municipal Waste, Section 3, Placement and Removal of Containers, shall be fined no less than Twenty-five (\$25) Dollars on the first offense. ( 13916 - 7/5/01)

Every violator of the provisions of this ordinance shall be deemed guilty of a separate offense for each and every day such violation shall continue and shall be subject to the penalty imposed by this section for each and every such separate offense.

#### **D. Removal of Accumulated Waste**

In addition to the foregoing penalty, the City of Allentown may require the owner or occupant of a property to remove any accumulation of municipal waste and should said person fail to remove such municipal waste following written notice, the City of Allentown may cause the municipal waste to be collected and disposed of with the costs for such actions to be charged to the owner or occupant of the property in a manner provided by law. (12903 §1 4/5/89; 14271 §1 3/3/05;14373 §1 3/16/06)

E. The City's Department of Public Works, Bureau of Recycling and Solid Waste, Health Bureau and other City enforcement bureaus are authorized and directed to enforce this Ordinance. The Manager of Recycling and Solid Waste is hereby authorized and directed to promulgate, establish reasonable rules and regulations for the collection, storage and disposal of municipal waste in accordance with the terms hereof and any other matters required to implement this Ordinance. The City may change, modify, repeal or amend any portion of said rules and regulations at any time. (13289 §1 11/3/94; 13937 §1 11/21/01;14373 §1 3/16/06)

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## **ARTICLE 1137 RESIDENTIAL RECYCLING**

- 1137.01 Definitions
- 1137.02 Establishment of a Residential Recycling Program
- 1137.03 Preparation of Designated Recyclable Materials and Placement for Collection
- 1137.04 Collection by Unauthorized Person(s) - Scavenging
- 1137.05 Damage or Misuse of Recycling Containers
- 1137.06 Non-interference with Existing Contracts

- 1137.07 Mandatory Source Separation of Leaf Waste
- 1137.08 Residential Dwelling Units not in the City Curbside Collection Program
- 1137.09 Enforcement and Administration
- 1137.10 Violation Ticket Appeals Process
- 1137.11 Severability
- 1137.12 Fines and Penalties
- 1137.13 Franchise or License (14263 §1 3/3/05)

### 1137.01 DEFINITIONS

The following words and phrases when used in the ordinance shall have, unless the context clearly indicates otherwise, the meanings given to them in this section:

1. **Aluminum Can** means an empty container consisting entirely of aluminum and used solely for packing of beverage or food.
2. **City Curbside Collection Program** is the authorized collection, removal, transportation and disposal of municipal waste and recycling generated from eligible single family dwellings, rooming units, group homes, multi-family dwellings and commercial and institutional establishments who pay the annual Municipal Waste and Recycling Fee to the City of Allentown for this service. (14263 §1 3/3/05)
3. **Collector** means a person authorized by the Department of Public Works to collect, transport, and dispose of municipal waste or recyclable materials.
4. **Commingled** means source separated, non-putrescible recyclable materials that have been mixed at the source of generation (i.e., placed in the same container).
5. **Corrugated Cardboard** means any structural paper material with an inner core shaped in rigid parallel furrows and ridges.
6. **Designated Recyclable Materials** means those recyclable materials specified by the City for separate collection in accordance with this ordinance. Such materials may include, but not be limited to, aluminum cans, ferrous and bi-metal cans, glass containers, newspapers, magazines and periodicals, plastic containers, and yard wastes.
7. **Dwelling unit** means a group of rooms located within a structure and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking and eating for the exclusive use of the occupants thereof.
8. **Ferrous Can** means an empty steel or tin food or beverage containers.
9. **Freon Appliances** are refrigerators, freezers, air conditioners, dehumidifiers, coiled water coolers or other appliances which contain Freon gas or any other type of refrigerant that requires special handling for disposal and recycling according to the Environmental Protection Agency standards. (14370 §1 3/8/06)
10. **Glass Container** means an empty bottle or jar made of clear, green or brown glass. Expressly excluded are non-container glass, plate glass, blue glass and porcelain and ceramic product, drinking glasses and light bulbs.
11. **High Grade Office Paper** means any bond, copier, letterhead or mimeograph paper typically sold as "white ledger" paper; and computer paper. (14263 §1 3/3/05)
12. **Mixed office paper** means any combination of high grade office paper, colored paper, file stock, advertising mail, magazines and catalogs. (14263 §1 3/3/05)
13. **Multi-family Dwelling** means any building under one roof which contains two (2) or more complete dwelling units.
14. **Municipal Waste** means any garbage, refuse, industrial, lunchroom or office waste, and other material including solid, liquid, semi-solid, or container gaseous material resulting from operation or residential, municipal, commercial, or institutional establishments or from community activities and which are not classified as residual waste or hazardous waste. The term does not include source separated recyclable materials.

15. **Newspaper** means paper of the type commonly referred to as newsprint and distributed at fixed intervals, having printed thereon news and opinions, containing advertisements and other matters of public interest.

16. **Notice of violation** is a written document issued to a person in violation of a city ordinance which specifies the violation and contains a directive to take corrective action within a specified time frame or face further legal action. (14263 §1 3/3/05)

17. **Person** means any individual, partnership, corporation association, institution, cooperative enterprise, municipal authority, federal government or agency, state institution and agency, or any other legal entity whatsoever which is recognized by law as being subject to such rights and duties.

18. **Public Officer** means any police officer, authorized inspector, or public official designated by the Mayor to enforce the City Ordinances. (14263 §1 3/3/05)

19. **Recyclable material** means a material which would otherwise become municipal waste, which can be collected, separated or processed, and returned to the economic mainstream in the form of raw materials or products.

20. **Recycling** means the separation, collection, processing, recovery, and sale or re-use of metals, glass, paper, plastics and other materials which would otherwise be disposed of as municipal waste.

21. **Source Separate** means to separate recyclable materials from the municipal waste stream at the point of waste generation.

22. **Solid Waste** means any waste, including but not limited to municipal, residual or hazardous wastes, including solid, liquid, semisolid or contained gaseous materials. (Pennsylvania Solid Waste Management Act 97, Section 103). (12959 §1 2/21/90)

23. **Steel Can** means an empty container made of steel.

24. **Violation Ticket** is a form issued by a police officer or public officer to a person who violates a provision of this Article. The violation ticket is an offer by the City of Allentown extended to a person to settle a violation by paying the fine in lieu of a citation being issued against the violator. (14263 §1 3/3/05)

25. **Yard Waste** means leaves, garden residues, grass clippings, shrubbery and tree trimmings and similar materials. (13040 §1 4/3/91)

#### **1137.02 ESTABLISHMENT OF A RESIDENTIAL RECYCLING PROGRAM**

A. There is hereby established a recycling program for the mandatory source separation, separate collection and recycling of designated recyclable materials from all entities included in the City Curbside Collection Program. (14263 §1 3/3/05)

B. Collection of recyclable materials pursuant to this section shall be made once per week. The Department of Public Works shall divide the City into districts and prescribe the days and hours for collection and removal of recyclable materials from such districts.

C. All entities included in the City Curbside Collection Program shall source separate all designated recyclable materials and commingle them into a recycling container in the manner designated by Section 1137.03 of this ordinance and shall place said recyclables for collection at a place, in a manner and at such times as designated by the City of Allentown.

D. Designated recyclables for the recycling program established pursuant to this section shall be determined by regulation from the following list of materials:

1. Corrugated paper
2. Newspaper
3. High-grade office paper
4. All white and mixed colored paper
5. Clear glass containers
6. Brown glass containers
7. Green glass containers

- 8. Aluminum cans
- 9. Steel cans
- 10. Bi-metal cans
- 11. Plastics
- 12. Appliances
- 13. Other recyclable materials as designated by the Manager of the Bureau of Recycling and Solid Waste or designee, effective thirty (30) days after designation.

E. The City reserves the right to add or remove an item or items from its designated list at any time upon notification of the public. (12959 §1 2/21/90; (14263 §1 3/3/05)

F. Freon Appliance Collection Fee

1. There is hereby imposed upon the owner of the Freon Appliance a fee of Twenty Dollars (\$20) for the collection, transportation, proper handling and recycling for each Freon Appliance placed out at the curb line by an entity included in City Curbside Collection. The fee must be paid in full to the City of Allentown, Bureau of Recycling and Solid Waste, prior to its collection.

2. It shall be a violation of this Article to place Freon Appliances out for collection without prepayment of said fee and for Freon Appliances to remain out for collection without payment of the Freon Appliance collection fee. (14370 §1 3/8/06)

**1137.03 PREPARATION OF DESIGNATED RECYCLABLE MATERIALS AND PLACEMENT FOR COLLECTION**

A. Designated recyclables shall be prepared, stored, and placed at the curbside separate from municipal waste for collection at such times and dates as may be established by regulation. Preparation and storage of recyclables shall consist of those procedures which are set forth in regulations established by the Director of Public Works. (13762 §2 7/22/99)

B. All recyclable materials placed out for collection shall be owned by, and be the responsibility of the occupants (residents) of the residential property from which the recyclable materials originated until such materials are collected. The recyclable materials become the property of the City of Allentown and the responsibility of the City's Contractor upon the collection of said materials. (12959 §1 2/21/90; 14263 §1 3/3/05)

**1137.04 COLLECTION BY UNAUTHORIZED PERSON(S) - SCAVENGING**

A. It shall be a violation of this ordinance for any person(s), unauthorized by the City, to collect or pick up or cause to be collected or picked up any recyclable material placed at curbside for City collection. Each such collection in violation hereof shall constitute a separate and distinct offense punishable as hereinafter provided.

B. Notwithstanding any provision of this ordinance, any person having ownership of the same, may sell or donate recyclable materials to any person, partnership or corporation, whether operating for profit or not for profit; provided, however, that such sold or donated material was not placed for collection at, or collected from the curbside. (12959 §1 2/21/90)

**1137.05 DAMAGE OR MISUSE OF RECYCLING CONTAINERS**

A. The City shall provide a recycling containers to each household participating in the residential recycling program. The recycling containers provided by the City, shall remain the property of the City and shall be used solely for the specific use of storage and collection of designated recyclable materials by participants and for no other purpose. The participant shall plainly and legibly mark the containers with their address and apartment number. (13915 §2 7/5/01; (14263 §1 3/3/05)

B. It shall be a violation of this ordinance for any person(s) to damage, misappropriate, or use for any purpose other than that set forth above said recycling containers. Each such action in violation hereof shall constitute a separate and distinct offense punishable as hereinafter provided. (12959 §1 2/21/90)

**1137.06 NON-INTERFERENCE WITH EXISTING CONTRACTS**

A. Nothing contained in this ordinance shall be construed to interfere with or in any way modify the provisions of any existing contracts which are in force in the City on the effective date of this ordinance.

B. No renewal of any existing contract upon the expiration of the original term thereof and no new contract for the collection, transportation, processing or purchase of recyclables shall be entered into after the effective date of this ordinance, unless such renewal or such contact shall conform to the requirements of this ordinance. (12959 §1 2/21/90)

#### **1137.07 MANDATORY SOURCE SEPARATION OF YARD WASTE**

A. Each person shall separate yard waste from other municipal waste generated at their homes, apartments and other residential establishments until collection unless those persons have otherwise provided for the composting of yard waste.

B. Nothing herein shall require any person to gather yard waste or prevent any person from utilizing yard waste for compost, mulch, or other agricultural, horticultural, silvicultural, gardening or landscaping purposes. (12959 §1 2/21/90; 13039 §2 5/3/91)

C. Yard waste shall be prepared and placed at curbside, separate from municipal waste and recyclable materials, for collection at such times and dates as may be established by regulation or yard waste may be taken to the City's designated yard waste site. Yard waste preparation and other procedures are set forth in regulations established by the Director of Public Works. (13039 §2 4/3/91; 14263 §1 3/3/05; 14957 12/26/2011)

D. The Bureau of Recycling and Solid Waste operates and processes yard waste at the city's designated yard waste site. A yard waste material loading fee is hereby established at a rate of \$12 per cubic yard for loading services provided by city staff for mulch. (§1 14957 12/26/2011)

#### **1137.08 RESIDENTIAL DWELLING UNITS NOT IN THE CITY CURBSIDE COLLECTION PROGRAM**

The owner of multi-family rental housing properties not in the City Curbside Collection Program shall establish a collection system for recyclable materials in accordance with the Commercial Recycling Ordinance Article 1139 including suitable containers for each dwelling unit, for their storage and collection and provide written instructions to the occupants. Said owners who comply with this section shall not be liable for the non-compliance of occupants of their buildings. (12959 §1 2/21/90; 14263 §1 3/3/05)

#### **1137.09 ENFORCEMENT AND ADMINISTRATION**

A. The City's Department of Public Works, the Bureaus of Recycling and Solid Waste and Health and other City enforcement bureaus are authorized and directed to enforce this ordinance. The Director of Public Works is hereby authorized to promulgate, establish reasonable rules and regulations in accordance with the terms hereof and any other matters required to implement this ordinance. The City may change, modify, repeal or amend any portion of said rules and regulations at any time. (12959 §1 2/21/90)

B. Any violation of the provisions of this Article may be cause for a citation, a violation ticket and/or a notice of violation to be issued to the violator.

C. A notice of violation or violation ticket shall be served upon a violator by handing it to the violator, by handing it at the residence of the person to be served to an adult member of the household or other person in charge of the residence, by leaving or affixing the notice or violation ticket to the property where the violation exists, by handing it at any office or usual place of business of the violator, to his/her agent or to the person for the time being in charge thereof, or by mailing the notice to the violator's address of record.

D. Each day a violation continues or is permitted to continue may constitute a separate offense for which a separate fine may be imposed.

E. A public officer is authorized and empowered to cause a violation to be corrected.

F. If the City has effected the correction of the violation, the cost thereof may be charged to the owner of the property, tenant or offending party. The cost shall be determined by the Manager of Recycling and Solid Waste or designee in order that the City shall be compensated for both direct and indirect costs and expenses incurred. (14263 §1 3/3/05)

#### **1137.10 VIOLATION TICKET APPEALS PROCESS**

A. A person in receipt of a violation ticket may appeal to the Bureau of Recycling & Solid Waste by filing a request within ten (10) days of receipt of the violation ticket.

B. A Hearing Officer, designated by the Manager of the Bureau of Recycling & Solid Waste, may uphold the Appeal, deny the Appeal or may modify the violation ticket and/or any associated costs, fines or penalty amounts. (14263 §1 3/3/05)

### **1137.11 SEVERABILITY**

If any provision, paragraph, word, section or subsection of this Article is invalidated by any court of competent jurisdiction, the remaining provisions, paragraphs, words, sections, or subsection shall not be affected and shall remain in full force and effect. (14263 §1 3/3/05)

### **1137.12 FINES AND PENALTIES**

#### **A. Violation Ticket Fines**

1. Violation tickets shall be issued in the amounts of Twenty-five (\$25) Dollars or One Hundred (\$100) Dollars. (14263 §1 3/3/05)

2. Any person who receives a violation ticket for any violation of this Article, may within ten (10) days, admit the violation, waive a hearing and pay the fine in full satisfaction of twenty-five (\$25) dollars or one hundred (\$100) dollars, as indicated on the violation ticket.

#### **B. Violation Ticket Penalties**

1. If the person in receipt of a twenty-five (\$25) dollar violation ticket does not pay the fine or request a hearing within ten (10) days, the person will be subject to a ten (\$10) dollar penalty for days eleven (11) through twenty (20).

2. If the person in receipt of a one hundred (\$100) dollar violation ticket does not pay the fine or request a hearing within ten (10) days, the person will be subject to a twenty-five (\$25) dollar penalty for days eleven (11) through twenty (20).

3. Failure of the person to make payment within twenty (20) days shall make the person subject to a citation.

#### **C. Citation Fines**

Whoever violates, or does not comply with any provision of this ordinance or any regulation thereof, shall be punishable by a fine not less than Twenty-five (\$25) Dollars upon a first conviction; \$50.00 upon a second conviction; and \$100.00 upon a third or subsequent conviction. The above fines shall not be applicable to a conviction for Section 1137.04 and 1137.05 hereof which shall be punishable by a fine not to exceed \$1,000.00. (12959 §1 2/21/90; 13039 §3 4/3/91; 14263 §1 3/3/05; 14370 §1 3/8/06)

### **1137.13 FRANCHISE OR LICENSE**

The City may enter into an agreement(s) with public or private agencies or firms to authorize them to operate or administer all or any part of the residential recycling program mandated by this ordinance. (12959 §1 2/21/90; 14263 §1 3/3/05)

**ARTICLE 1139  
COMMERCIAL RECYCLING ORDINANCE**

- 1139.01 Definitions
  - 1139.02 Establishment of a Commercial Recycling Program
  - 1139.03 Non-interference with Existing Contracts
  - 1139.04 Reporting Requirements
  - 1139.05 Applicability of Regulations
  - 1139.06 Storage and Placement of Designated Recyclable Materials
  - 1139.07 Preparation of Designated Recyclable Materials and Placement for Collection
  - 1139.08 Required Education Program
  - 1139.09 Exemption from Program Requirements
  - 1139.10 Collection and Transportation of Designated Recyclables
  - 1139.11 Collection by Unauthorized Person(s)
  - 1139.12 Enforcement and Administration
  - 1139.13 Violation Ticket Appeals Process
  - 1139.14 Severability
  - 1139.15 Fines and Penalties
- (14264 §1 3/3/05)
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**1139.01 DEFINITIONS**

The following words and phrases when used in the ordinance shall have, unless the context clearly indicates otherwise, the meanings given to them in this section:

1. **Aluminum Cans, Foil and Plates** means an empty container consisting entirely of aluminum and used solely for packing of beverage or food; includes aluminum foil and pie plates. (14882 §1 04/06/11)
2. **Bi-Metal Can** means an empty food or beverage container consisting of a combination of ferrous and aluminum metals.
3. **Center City** means that section of Allentown that is bounded on the east by the Jordan Creek, on the north by Tilghman Street, on the west by 11th Street and on the south by the Little Lehigh Creek. (13219 §1 10/7/93)
4. **City** means the City of Allentown.
5. **City Curbside Collection Program** is the authorized collection, removal, transportation and disposal of municipal waste and recycling generated from eligible single family dwellings, rooming units, group homes, multi-family dwellings and commercial and institutional establishments who pay the annual Municipal Waste and Recycling Fee to the City of Allentown for this service. (14264 §1 3/3/05)
6. **Collector** means a person authorized by the Department of Public Works to collect, transport and dispose of municipal waste or recyclable materials.
7. **Commercial Establishment** means an establishment engaged in non-manufacturing or non-processing business, including, but not limited to, stores, markets, office buildings, restaurants, shopping centers and theaters.
8. **Commingled** means source separated, non-putrescible recyclable materials that have been mixed at the source of generation (i.e., placed in the same container).
9. **Community Activity** means events that are sponsored in whole or in part by the City or conducted within the City and sponsored privately, which include but are not limited to fairs, bazaars, socials, picnics and organized sporting events that are open to the general public and will be attended by 200 or more individuals per day.
10. **Condominium** means an apartment building or housing area in which the dwelling units are owned individually.
11. **Corrugated Cardboard** means industrially prefabricated boxes, primarily used for packaging goods and material; includes other similar box containers. (14882 §1 04/06/11)

12. **Designated Recyclable Materials** means those recyclable materials specified by the City to be separated from municipal waste for the purpose of recycling in accordance with this ordinance. Such materials may include, but not be limited to, aluminum cans, ferrous and bi-metal cans, glass containers, newspapers, magazines and periodicals, plastic containers, corrugated cardboard, paperboard, office paper, white goods and leaf wastes. (14882 §1 04/06/11)

13. **Dwelling unit** means a group of rooms located within a structure and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking and eating for the exclusive use of the occupants thereof.

14. **Eligible Entities** means any residence or place of business that receives City contractor service in accordance with the criteria contained herein. (13219 §1 10/7/93)

15. **Food Service Establishment** means any establishment licensed as such by the City. (14882 §1 04/06/11)

16. **Glass Container** means an empty food or beverage bottle or jar made of clear, green or brown glass. Expressly excluded are non-container glass, plate glass, blue glass and porcelain and ceramic products, drinking glasses, light bulbs and the like.

17. **High Grade Office Paper** means any bond, copier and similar paper. (14882 §1 04/06/11)

18. **Industrial Establishment** means any establishment engaged in manufacturing or processing, but not limited to, factories, foundries, mills, processing plants, refineries, mines and slaughterhouses. (14882 §1 04/06/11)

19. **Institutional Establishment** means any establishment engaged in service, including, but not limited to, hospitals, nursing homes, day care facilities, schools and universities. (14882 §1 04/06/11)

20. **Litter** includes, but is not limited to, all waste material, garbage, trash, i.e. waste paper, tobacco products, wrappers, food or beverage containers, newspapers, etc., municipal waste, human waste, damaged and deteriorated furniture or motor vehicle seats, vehicle parts, automotive products, recyclable material, dirt, mud and yard waste that has been abandoned or improperly discarded, deposited or disposed. (14264 §1 3/3/05; 14882 §1 04/06/11)

21. **Mixed paper** means any combination of high grade office paper, white and colored paper, file stock, advertisements, mail, magazines and catalogs and similar paper. (13219 §1 10/7/93; 14882 §1 04/06/11)

22. **Municipal Establishment** means any facility or building owned or operated by a local government or county government, local government or county government authority, State Government or agency or Federal Government or agency. (14882 §1 04/06/11)

23. **Multi-family Dwelling** means any building under one roof which contains two (2) or more complete dwelling units. (14882 §1 04/06/11)

24. **Municipal Waste** means any garbage, refuse, industrial lunchroom or office waste and other material including solid, liquid, semisolid or contained gaseous material resulting from operation or residential, municipal, commercial or institutional establishments or from community activities and which is not classified as residual waste or hazardous waste. The term does not include source separated recyclable materials. (14882 §1 04/06/11)

25. **Newspapers** means paper of the type commonly referred to as newsprint and distributed at fixed intervals, having printed thereon news, opinions, matters of public interest, advertisements and circulars. (14882 §1 04/06/11)

26. **Notice of violation** is a written document issued to a person in violation of a city ordinance which specifies the violation and contains a directive to take corrective action within a specified time frame or face further legal action. (14264 §1 3/3/05; 14882 §1 04/06/11)

27. **Paperboard** means a rigid, durable form of paper, often called cardboard, that is used for packaging and other end uses. (14882 §1 04/06/11)

28. **Person** means any individual, partnership, corporation, association, institution, cooperative enterprise, municipal authority, federal government or agency, state institution and agency or any other legal entity whatsoever which is recognized by law as being subject to such rights and duties.

29. **Plastics** means bottles, jugs, containers and buckets marked with the #1 through #7 recycling symbol such as but not limited to soda, milk, water, water, liquid laundry bottles, yogurt, margarine, condiments, etc. (14882 §1 04/06/11)

30. **Public Officer** means any police officer, authorized inspector, or public official designated by the Mayor to enforce the City Ordinances. (14264 §1 3/3/05) (14882 §1 04/06/11)

31. **Recyclable Material** means a material which can be collected, separated or processed and returned to the economic mainstream in the form of raw materials or products. (14882 §1 04/06/11)

32. **Recycling** means the separation, collection, processing, recovery and sale or re-use of metals, glass, paper, plastics and other materials which would otherwise be disposed of as municipal waste. (14882 §1 04/06/11)

33. **Recycling Facility** means any facility employing a technology that is a process that separates or classifies municipal waste and creates or recovers reusable materials that can be sold to or reused by a manufacturer as a substitute for or a supplement to virgin raw materials. The term recycling facility shall not mean transfer stations or landfills for solid waste nor composting facilities or resource recovery facilities. (14882 §1 04/06/11)

34. **Source Separate** means to separate recyclable materials from the municipal waste stream at the point of waste generation. (14882 §1 04/06/11)

35. **Solid Waste** means any waste, including, but not limited to municipal, residual or hazardous wastes, including solid, liquid, semisolid or contained gaseous materials (Pennsylvania Solid Waste Management Act 97, Section 103). (12993 §1 8/15/90) (13219 §1 10/7/93; 14882 §1 04/06/11)

36. **Steel and Tin Cans** used as food and beverage containers. (14882 §1 04/06/11)

37. **Violation Ticket** is a form issued by a police officer or public officer to a person who violates a provision of this Article. (14264 §1 3/3/05; (14882 §1 04/06/11)

38. **Yard Waste** means leaves, garden residues, grass clippings, shrubbery and tree trimmings and similar materials. (14882 §1 04/06/11)

#### **1139.02 ESTABLISHMENT OF A COMMERCIAL RECYCLING PROGRAM**

A. There is hereby established a commercial recycling program for the mandatory source separation, separate collection and recycling of designated recyclable materials generated from all commercial, institutional, municipal and industrial establishments within the City and by residents of institutions, multi-family dwellings greater than twenty-five (25) residential units, multi-family dwellings approved for exemption from the City Curbside Collection Program and dwelling units located on private roads which are not served by the City's residential recycling collection system. Said owner who complies with the provisions of this Article shall not be liable for the non-compliance of their occupants. (14264 §1 3/3/05; 14882 §1 04/06/11)

B. Collection of recyclable materials pursuant to this section shall be made once per month or more often, as necessary as determined by the Manager of the Bureau of Recycling and Solid Waste or designee. The storage of recyclable materials shall not result in litter or in the creation of a public nuisance. (14264 §1 3/3/05)

C. All commercial, institutional, municipal or industrial establishments, multi-family dwellings which are not part of the City's residential recycling collection system and sponsors of community activities serving over 200 people per day shall be required to source separate all specific designated recyclable materials generated on the premises and shall arrange for the collection for recycling of said materials. Recycling program development, implementation and operation shall be the responsibility of the same entity which contracts for the private collection and disposal of waste. (14264 §1 3/3/05)

D. Designated recyclable materials for commercial, industrial, institutional, municipal establishments, licensed food service establishments, community activities serving over 200 people per day and multi-family dwellings not included in the City Curbside Recycling Program and shall be determined by regulation from the following list: (14264 §1 3/3/05)

1. High Grade office Paper
2. Mixed Paper
3. Corrugated Cardboard
4. Aluminum Cans, Foil and Pie Plates
5. Steel and Tin Cans

6. Glass food and beverage containers (clear, brown and green)
7. Plastics
8. Newspaper
9. Yard Waste
10. Paperboard
11. Other recyclable materials as designated by the Manager of the Bureau of Recycling and Solid Waste or designee.

(14264 §1 3/3/05; 14882 §1 04/06/11)

E. Commercial institutional and other approved establishments participating in the City Curbside Collection Program shall be responsible for the recycling of all corrugated cardboard generated by the establishments. (14264 §1 3/3/05) (14882 §1 04/06/11)

F. The City reserves the right to add or remove recyclable materials, from its designated lists at any time. (12993 §1 8/15/90) (13219 §1 10/7/93) (14882 §1 04/06/11)

### **1139.03 NON-INTERFERENCE WITH EXISTING CONTRACTS**

A. Nothing contained in this ordinance shall be construed to interfere with or in any way modify the provisions of any existing contracts which are in force in the City on the effective date of this ordinance, as amended.

B. No renewal of any existing contract upon the expiration of the original term thereof and no new contract for the collection, transportation, processing or purchase of recyclables shall be entered into after the effective date of this ordinance, as amended, unless such renewal or such contract shall conform to the requirements of this ordinance, as amended. (14882 §1 04/06/11)

### **1139.04 REPORTING REQUIREMENTS**

A. It shall be the responsibility of the owners/operators of all commercial, institutional, municipal, industrial and licensed food service establishments, sponsors of community activities serving over 200 people and multi-family dwelling units not included in the City Curbside Collection Program to annually submit to the City or upon request by the City, evidence of a current agreement/contract with a licensed collector for trash and separate recycling collection. (14264 §1 3/3/05) (14882 §1 04/06/11)

B. It shall be the responsibility of the above-named owners/operators to submit a recycling report to the City on an annual basis. Said report shall identify the total tonnages of municipal waste generated and recyclable materials recovered per establishment, and the type and weight of individual recyclable materials recovered, along with the identification of the markets and destinations of each recovered recyclable material. All such reports of the previous year shall be submitted to the Bureau of Recycling and Solid Waste by January 31st, on forms provided by the City. (14264 §1 3/3/05)

C. It shall be the responsibility of the licensed trash haulers collecting municipal waste in the City to submit a recycling report to the City on an annual basis. Said report shall identify the tonnages of municipal waste generated per establishment, and the type and weight of individual recyclable materials recovered, along with the identification of the markets and destinations of each recovered recyclable material. All such reports of the previous year shall be submitted to the Bureau of Recycling and Solid Waste by January 31st, on forms provided by the City. (14264 §1 3/3/05)

D. It shall be the responsibility of all commercial recycling haulers collecting designated recyclable materials generated in the City of Allentown to submit a recycling report to the City on an annual basis. Said report shall identify individual establishments being serviced and the total tonnages of recyclable materials by type and weight of material that was processed along with the identification of the markets and destinations of each recovered recyclable material. All such reports of the previous year shall be submitted to the Bureau of Recycling and Solid Waste by January 31st, on forms provided by the City. (14264 §1 3/3/05)

E. All documentation shall be retained by haulers of trash and recyclable materials. Said documentation shall be available for inspection by City officials for a period of not less than five (5) years. (13219 §1 10/7/93)

F. The City reserves the right to require any additional information as deemed necessary by the Bureau of Recycling and Solid Waste. (12993 §1 8/15/90; 14264 §1 3/3/05)

### 1139.05 APPLICABILITY OF REGULATIONS

Any person or persons engaged in the collection, processing and marketing of designated recyclable materials and all householders, firms, corporations, co-partnerships and any and all persons who may or do produce designated recyclable materials shall at all times be subject to any and all legislation, which may from time to time be enacted by the City as needed to be consistent with the rules and regulations of Act 101. (12993 §1 8/15/90; 14264 §1 3/3/05)

### 1139.06 STORAGE AND PLACEMENT OF DESIGNATED RECYCLABLE MATERIALS (14264 §1 3/3/05)

#### A. General

It shall be the duty of every owner of property, premises or place of business within the City of Allentown where designated recyclable materials are produced and accumulated, by his/her own expense and cost, to provide and keep at all times, a sufficient number of containers to hold all designated recyclable materials which may accumulate during the intervals between collection of such recyclable materials by an authorized collector.

#### B. Containers and Storage in Multi-Family Dwelling Units

1. Owners of multi-family dwelling units shall provide each dwelling unit with a bin(s) sufficient to hold all designated recyclable materials accumulated by the occupants of the dwelling unit during the intervals between collections. Bins provided for storage of designated recyclable materials shall remain the property of the owner of the multi-family dwelling unit and shall remain with the individual unit should the occupant vacate. (14264 §1 3/3/05) (14882 §1 04/06/11)

2. All designated recyclable materials accumulated by owners and/or the occupants of multi-family dwelling units shall be placed in bins prior to transfer to bulk containers as specified in Section C for collection by an authorized collector. The bins shall be durable, water tight and made of metal or plastic and marked with the recycling symbol or other acceptable markings. The containers shall be kept clean. (14264 §1 3/3/05) (14882 §1 04/06/11)

#### C. Storage on multi-family dwelling, commercial industrial, municipal and institutional properties (14882 §1 04/06/11)

1. Containers: Storage of designated recyclable materials on all multi-family dwelling properties which are using private collection shall be in container(s) as specified in (a) below. Storage of designated recyclable materials on commercial, institutional, municipal and industrial properties shall be done in the same manner and kept in the same type of bins as are required for multi-family dwelling properties except where the accumulation for each said property precludes their use, in which case such owner or occupant shall make special arrangements with the authorized collector for the storing of such additional quantities. Container arrangements shall include the following: (14882 §1 04/06/11)

a. The type of container to be furnished by the collector shall be acceptable to the Manager of the Bureau of Recycling and Solid Waste or designee. The containers shall have lids to avert a public nuisance and litter problem and to protect the marketing quality of recyclable materials. Such lids must remain closed except when designated recyclable materials are being placed in or removed from the container. The containers shall be clearly marked with both the recycling symbol and with the type of material(s) to be deposited in the container. The containers shall be kept clean and in good repair. (14264 §1 3/3/05) (14882 §1 04/06/11)

b. The number of such containers shall be agreed to between the collector and such owner or occupant of the multi-family dwelling, commercial, institutional, municipal or industrial property to be used in any collection period.

2. Location of Containers: Storage containers for collection at multi-family dwellings, commercial, institutional, municipal or industrial properties using private collection shall be located on such premises at a place agreed upon by such owner or occupant of the property and the authorized collector and shall not be unsatisfactory to the Department of Public Works. Such locations shall not interfere with public or private sidewalks, walkways, driveways, roads, streets, highways or entrances and exits of public or private buildings and shall be in compliance with all applicable laws. Bulk storage containers which are on wheels to facilitate their movement shall remain blocked at all times while unattended to prevent unintentional movement.

3. Property owners/operators of all commercial, institutional, municipal, industrial, licensed food service establishments, and multi-family dwelling units not included in City Curbside Collection must provide a location on their property for the storage of trash and recycling in between collections. Storage must be in compliance with all City of Allentown Ordinances and must not create a public nuisance or vector control issues. Exceptions and alternate storage

locations may be subject to review and approval by the Bureau of Recycling and Solid Waste. (12993 §1 8/15/90) (14882 §1 04/06/11)

### **1139.07 PREPARATION OF DESIGNATED RECYCLABLE MATERIALS AND PLACEMENT FOR COLLECTION**

A. Designated recyclable materials shall be separated and prepared in a manner consistent with recycling market requirements and placed at a designated area separate from municipal waste for collection at such times and dates as may be hereinafter established by regulation. No establishment may place municipal waste or recycling at the curblin or in the public right-of-way for collection by a privately contracted Collector without written approval by the Bureau of Recycling and Solid Waste. (12993 §1 8/15/90; 13219 §1 10/7/93) (14882 §1 04/06/11)

B. Commercial and institutional establishments participating in the City collection system shall separate, prepare and store designated recyclable materials in a manner consistent with the requirements of the City of Allentown. No establishment may place municipal waste or recycling at the curblin or in the public right-of-way for collection by the City's Contracted hauler without approval by the Bureau of Recycling and Solid Waste and payment of the Municipal Waste and Recycling Fee. (12993 §1 8/15/90; 13219 §1 10/7/93) (14882 §1 04/06/11)

### **1139.08 REQUIRED EDUCATION PROGRAM**

Recycling education programs shall be developed for and instituted at all entities mandated to recycle by this ordinance as follows:

#### **A. Multi-family Dwellings, Commercial, Institutional, Municipal Industrial and Food Service Establishments**

It shall be the responsibility of all mandated establishments to adequately inform all employees, occupants and patrons of the recycling program. The required educational program, at a minimum, shall include written instructions to all parties identifying the materials to be recycled, how the materials are to be prepared, how to use the collection system and updates detailing any changes in the program. (14882 §1 04/06/11)

#### **B. Community Activities**

It shall be the responsibility of sponsors of all community activities to inform all employees as well as users (patrons) of the recycling program. The required educational program shall describe the recycling program's features and requirements. The recycling program shall require that receptacles for recyclable materials be clearly marked with both the recycling symbol and the type of material to be deposited in the receptacle or other marking as approved by the Director of Public Works. Recycling signs shall be prominently displayed stating the requirements of the recycling program. (12993 §1 8/15/90)

### **1139.09 EXEMPTION FROM PROGRAM REQUIREMENTS**

Persons required to participate in the recycling program established herein may request an exemption to the requirements of this ordinance pursuant to Section 1501 of Act 101. All such requests must be made in writing to the Director of Public Works or designee and will be evaluated on a case by case basis by the as to approve modify or deny the request. (12993 §1 8/15/90) (14882 §1 04/06/11)

### **1139.10 COLLECTION AND TRANSPORTATION OF DESIGNATED RECYCLABLES**

#### **A. Collection**

Collectors shall collect and remove all recyclable materials for which they are responsible to collect. Collectors shall return the recycling receptacle(s) to the premises from which they have been removed in a manner so as not to create litter or a public nuisance. (12993 §1 8/15/90; 14264 §1 3/3/05)

#### **B. Transportation**

Any person transporting designated recyclable materials within the City of Allentown shall prevent or remedy any spillage from vehicles or containers used in the transport of such designated recyclable materials. Such vehicles or containers shall not be overfilled and shall be cleansed at sufficiently frequent intervals to prevent obnoxious odors or unhealthful conditions. Such vehicles shall be so constructed, loaded and driven as to prevent any portion of the load from falling out upon the streets or highways.

### **1139.11 COLLECTION BY UNAUTHORIZED PERSON(S)**

A. It shall be a violation of this ordinance for any person(s) unauthorized by the City to collect or pick up or cause to be collected or picked up any recyclable material placed at curbside or designated location for storage and subsequent collection by authorized collectors. Each such collection in violation hereof shall constitute a separate and distinct offense punishable as hereinafter provided.

B. Notwithstanding any provision of this ordinance, any person having ownership of the same, may sell or donate recyclable materials for the purpose of recycling to any person, partnership or corporation, whether operating for profit or not for profit; provided, however, that such sold or donated material may not be placed for collection at or collected from the curbside. (12993 §1 8/15/90)

### **1139.12 ENFORCEMENT AND ADMINISTRATION**

A. The City's Department of Public Works, the Bureau of Recycling and Solid Waste and Health and other City enforcement bureaus are authorized and directed to enforce this ordinance. The Director of Public Works is hereby authorized to promulgate, establish reasonable rules and regulations in accordance with the terms hereof and any other matters required to implement this ordinance. The City may change, modify, repeal or amend any portion of said rules and regulations at any time. (12993 §1 8/15/90; 14264 §1 3/3/05)

B. Any violation of the provisions of this Article may be cause for a citation, a violation ticket and/or a notice of violation to be issued to the violator.

C. A notice of violation or violation ticket shall be served upon a violator by handing it to the violator, by handing it at the residence of the person to be served to an adult member of the household or other person in charge of the residence, by leaving or affixing the notice or violation ticket to the property where the violation exists, by handing it at any office or usual place of business of the violator, to his/her agent or to the person for the time being in charge thereof, or by mailing the notice to the violator's address of record.

D. Each day a violation continues or is permitted to continue may constitute a separate offense for which a separate fine may be imposed.

E. A public officer is authorized and empowered to cause a violation to be corrected.

F. If the City has effected the correction of the violation, the cost thereof may be charged to the owner of the property, tenant or offending party. The cost shall be determined by the Manager of Recycling and Solid Waste or designee in order that the City shall be compensated for both direct and indirect costs and expenses incurred. (14264 §1 3/3/05)

### **1139.13 VIOLATION TICKET APPEALS PROCESS**

A. A person in receipt of a violation ticket may appeal to the Bureau of Recycling & Solid Waste by filing a request within ten (10) days receipt of the violation ticket.

B. A Hearing Officer, designated by the Manager of the Bureau of Recycling & Solid Waste, may uphold the Appeal, deny the Appeal or may modify the violation ticket and/or any associated costs, fines or penalty amounts. (14264 §1 3/3/05)

### **1139.14 SEVERABILITY**

If any provision, paragraph, word, section or subsection of this Article is invalidated by any court of competent jurisdiction, the remaining provisions, paragraphs, words, sections, or subsection shall not be affected and shall remain in full force and effect. (14264 §1 3/3/05)

### **1139.15 FINES AND PENALTIES (14264 §1 3/3/05)**

A. Violation Ticket Fines

1. Violation tickets shall be issued in the amounts of Twenty-five (\$25) Dollars or One Hundred (\$100) Dollars. (14264 §1 3/3/05)

2. Any person who receives a violation ticket for any violation of this Article, may within ten (10) days, admit the violation, waive a hearing and pay the fine in full satisfaction of twenty-five (\$25) dollars or one hundred (\$100) dollars, as indicated on the violation ticket. (14264 §1 3/3/05)

B. Violation Ticket Penalties

1. If the person in receipt of a twenty-five (\$25) dollar violation ticket does not pay the fine or

request a hearing within ten (10) days, the person will be subject to a ten (\$10) dollar penalty for days eleven (11) through twenty (20). (14264 §1 3/3/05)

2. If the person in receipt of a one hundred (\$100) dollar violation ticket does not pay the fine or request a hearing within ten (10) days, the person will be subject to a twenty-five (\$25) dollar penalty for days eleven (11) through twenty (20). (14264 §1 3/3/05)

3. Failure of the person to make payment within twenty (20) days shall make the person subject to a citation. (14264 §1 3/3/05)

C. Citation Fines (14264 §1 3/3/05)

That any person, firm or corporation who shall fail, neglect or refuse to comply with any of the terms or provisions of this article or of any regulation or requirement pursuant hereto and authorized hereby, shall upon conviction thereof be ordered to pay a fine of not less than Twenty-five (\$25.00) Dollars nor more than One Thousand (\$1,000) Dollars and in default of payment of fine and costs, imprisoned not more than ninety (90) days. Each occurrence shall constitute a separate offense. (12995 §1 8/15/90)

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